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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,354	07/24/2003	Andrew J. Kurrasch	3591/1327	2329

757 7590 · 03/24/2006

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EXAMINER
WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,354	KURRASCH ET AL.	
	Examiner	Art Unit	
	Rodney B. White	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *45 and 46* is/are allowed.

6)☒ Claim(s) *38-41,43 and 44* is/are rejected.

7)☒ Claim(s) *42* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Claims 38-46 in the reply filed on 03/06/2006 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, III et al (U.S. Patent No. 5,556,163) in view of Nivet (U.S. Patent No. 6,731,088 B2).

Rogers, III et al teach the structure substantially as claimed including a seating structure comprising a base; a seat supported by the base; an electrical conduit electrically coupled to a power source; and an automatic tilt adjustment mechanism coupled to the electrical conduit and configured to receive electricity from the power source, further comprising a backrest connected to at least one of the seat and the base, wherein the automatic tilt adjustment mechanism comprises: actuators; biasing

members mechanically coupled to the actuators, wherein the biasing members bias the seat and the backrest, and the actuator adjusts the biasing members, wherein the power source is selected from the group consisting of a battery and a fuel cell (See specification at column 2, lines 23-29), but does not teach or specify a microprocessor electrically coupled lo the actuator; and a transducer electrically coupled to the microprocessor; and the actuator adjusts the biasing member. However, Nivet teaches a microprocessor electrically coupled lo the actuator; and a transducer electrically coupled to the microprocessor; wherein the transducer detects an angle of inclination of the seat; and the actuator adjusts the biasing member. (See specification and Figures). It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Rogers, III et al. to include a microprocessor electrically coupled lo the actuator; and a transducer electrically coupled to the microprocessor; wherein the transducer detects an angle of inclination of the seat; and the actuator adjusts the biasing member, as taught by Nivet, since it would the transducer detects the angle of inclination of the seat and an angle of inclination of the backrest and default positions of the seat could be achieved.

Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Udo et al (U.S. Patent No. 6,033,021) in view of Nivet (U.S. Patent No. 6,731,088 B2).

Udo et al teach the structure substantially as claimed including a seating structure comprising a base; a seat supported by the base; an electrical conduit electrically coupled to a power source; and an automatic tilt adjustment mechanism

coupled to the electrical conduit and configured to receive electricity from the power source, further comprising a backrest connected to at least one of the seat and the base, wherein the automatic tilt adjustment mechanism comprises: actuators; biasing members mechanically coupled to the actuators, wherein the biasing members bias the seat and the backrest, and the actuator adjusts the biasing members but does not teach or specify a microprocessor electrically coupled lo the actuator; and a transducer electrically coupled to the microprocessor; and the actuator adjusts the biasing member. However, Nivet teaches a microprocessor electrically coupled lo the actuator; and a transducer electrically coupled to the microprocessor; wherein the transducer detects an angle of inclination of the seat; and the actuator adjusts the biasing member. (See specification and Figures). It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Udo et al. to include a microprocessor electrically coupled lo the actuator; and a transducer electrically coupled to the microprocessor; wherein the transducer detects an angle of inclination of the seat; and the actuator adjusts the biasing member, as taught by Nivet, since it would the transducer detects the angle of inclination of the seat and an angle of inclination of the backrest and default positions of the seat could be achieved.

Claims 43-44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers III et al in view of Nivet as applied to claims 38-39 above, and further in view of Huiban (U.S. Patent Application Publication No. 2004/0195876 A1).

Rogers, III et al in view of Nivet teaches the structure substantially as claimed but does not specify whether the actuator adjusts the biasing member to achieve at least one of the default position of the seat and the default position of the backrest upon detecting a user sitting in the chair and wherein the actuator adjusts the biasing member to achieve at least one of the default position of the seat and the default position of the backrest upon detecting a user rising from the chair. However, Huiban teaches detectors and/or sensors to be old. It would have been obvious and well within the level off ordinary skill in the art to modify the chair as taught by Rogers, III et al in view of Nivet, to include sensors for occupant detection, as taught by Huiban, since such sensors would aid in achieving the ultimate ergonomic conditions while the occupant is seated in the seat.

Claims 43-44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Udo et al in view of Nivet as applied to claims 38-39 above, and further in view of Huiban (U.S. Patent Application Publication No. 2004/0195876 A1).

Udo et al in view of Nivet teaches the structure substantially as claimed but does not specify whether the actuator adjusts the biasing member to achieve at least one of the default position of the seat and the default position of the backrest upon detecting a user sitting in the chair and wherein the actuator adjusts the biasing member to achieve at least one of the default position of the seat and the default position of the backrest upon detecting a user rising from the chair. However, Huiban teaches detectors and/or sensors to be old. It would have been obvious and well within the level off ordinary skill

in the art to modify the chair as taught by Udo et al in view of Nivet, to include sensors for occupant detection, as taught by Huiban, since such sensors would aid in achieving the ultimate ergonomic conditions while the occupant is seated in the seat.

Claim 42 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 45-46 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Prior art does not teach such a seat wherein the biasing member comprises a spring and a spring coupled to the motor, wherein the spring biases the seat, a microprocessor electrically coupled to the motor, and a transducer electrically coupled to the microprocessor, wherein the transducer detects an angle of inclination of the seat, and the motor adjusts torque of the spring to achieve a default position for me seat. As defined in claims 42 and 45, respectively.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kruse et al, Nivet, Pulver Torres, Kurze, Brooks, Stoeckl et al, Austin, Jr. Et al, Gonser et al, Krebs et al, Babbs, Larkin et al, Uchiyama,and Barreiro, Jr. teach structures and concepts similar to the present invention. Hagale et al teach

sensors but has an insufficient date. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
March 20, 2006

Rodney B. White

RODNEY B. WHITE
PRIMARY EXAMINER